

REMARKS

The Office Action dated August 8, 2007, has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto. Claims 1-12 are pending in this application. By this Amendment, claims 1 and 7 are amended. Support for the subject matter of the amendments to claims 1 and 7 can be found in the specification at, for example, page 9, lines 9-18. No new matter has been added. Reconsideration of the application is respectfully requested.

The Office Action objects to claim 1 because of informalities. Claim 1 is amended to overcome the informalities as suggested by the Office Action. Accordingly, withdrawal of the objection to claim 1 is respectfully requested.

The Office Action rejects claims 1 and 7 under 35 U.S.C. § 112, second paragraph because the feature of "for each item of the specifications" was not found to be distinctly claimed by the Office Action. Claims 1 and 7 are amended to claim instead "for each item of the changed specifications." Accordingly, claims 1 and 7 now fulfill the requirements of 35 U.S.C. § 112, second paragraph. Thus, withdrawal of the rejection of the claims under 35 U.S.C. § 112, second paragraph, is respectfully requested.

The Office Action rejects claims 1-12 under 35 U.S.C. § 102(e) (sic) as being unpatentable over McMahon et al. (U.S. Patent Application Publication No. 2001/0034726) in view of Thompson et al. (U.S. Patent No. 6,810,401). Applicants respectfully submit that this rejection appears to be an obviousness-type rejection on the basis of a combination of McMahon and Thompson, and should thus be made under 35 U.S.C. § 103(a), not 35 U.S.C. § 102(e). The rejection is respectfully traversed.

In particular, none of the applied references, alone or in combination, disclose or suggest an automatic price correcting system, and associated method, that include a standard specifications table for storing standard specifications of an article, means for sending to a plurality of sellers a screen for inputting a bidding price, a bidding price storing section for storing bidding prices input by the plurality of sellers, a correction table for storing unit prices for respective items of the specifications, and a seller selecting section for selecting a seller from the plurality of sellers based on at least information in the bidding price storing section, as recited in independent claim 1, and similarly recited in independent claim 7. Furthermore, none of the applied references, alone or in combination, disclose or suggest means for sending to the buyer a screen for inputting changes in the specifications, a control device adapted to obtain a difference between the standard specifications of the article and the changed specifications of the article, means for converting the difference into a correction value of price, means for calculating a total of correction values, and means for correcting the standard price, as also recited in independent claims 1 and 7.

McMahon teaches a method for building a specification for leased or purchased equipment (Abstract). In the same Abstract, McMahon further teaches allowing a user to select different options for an equipment component, that a potential customer 26 may provide a dealer or salesperson with information to develop a specification or quote for the customer, and that a database 34 on the server side contains information on types of equipment, options for equipment and pricing information (paragraphs [0058] and [0061]). However, nowhere in McMahon is there any teaching of allowing the user to select a seller, as recited in the independent claims.

Similarly, Thomson teaches an automated configuration system and method to facilitate the configuration of desired products, services or other assemblages that require users to gather and assimilate disparate knowledge of makes, models and types of a desired product or service to be configured (Abstract). Thomson teaches storing base prices 50 plus add-on prices 52 of available product options (Col. 13, lines 16-20), and a Pricing Engine module that generates pricing and cost information (Col. 18, lines 41-43). In other words, Thomson teaches selecting a product based on price, but does not teach selecting a seller from a plurality of sellers based on information in a bidding price storing section, as recited in the independent claims.

Furthermore, the Office Action admits that McMahon fails to disclose or suggest a bidding price storing section for storing bidding prices (Office Action, page 5, lines 17-23), and relies on Thompson to disclose or suggest these features. However, the Office Action is mistaken for the following reasons.

Thompson teaches a pricing engine that includes bid and “generation functionality to facilitate the production and transmission of bids and quotes by users to their ultimate customers” (column 18, lines 41-49). Thompson further teaches that the invention uses data tables and formulas to look up, calculate and store base prices 50 plus add-on prices 52 of available product options (column 12, lines 21-33; Figures 13 and 17).

The Office Action appears to combine McMahon and Thompson to arrive at the subject matter of claims 1 and 7 by arguing that Thompson’s pricing engine module could be added to the configuration system to generate pricing and cost information, and the pricing engine may include bid and “generation functionality” to facilitate the

production and transmission of bids and quotes by users to their customers (Office Action, page 6, lines 13-20). However, a closer examination of Thompson reveals that the base prices 50 and the add-on prices 52 that are stored and calculated are not prices that are received by users or by sellers with respect to specifications of an article or with respect to specific items within the specifications of an article. In fact, the base prices 50 and the add-on prices 52 are not provided by sellers or by users, but are merely base prices and add-on prices that are set with respect to each product regardless of the bids submitted by users or sellers. Although Thompson teaches that the total price 53 can include price adjustments using a combination of values accessed from a table and enhanced by formulas (column 12, lines 21-31), Thompson does not teach that the prices are corrected on the basis of input from the sellers. Sellers or users in Thompson have no price input in the calculation of the total price 53. Accordingly, Thompson fails to disclose or suggest an automatic price correcting system and associated website, wherein a difference between standard specifications of an article and the changed specifications provided by sellers is converted into a correction value of price, as recited the independent claims 1 and 7. Thus, because McMahon, as admitted by the Office Action, fails to disclose or suggest these features, the combination of McMahon and Thompson fails to arrive at the subject matter of independent claims 1 and 7.

For at least the reasons above, independent claims 1 and 7 are patentable over a combination of McMahon and Thompson. Claims 2-6 and 8-12, at least for their dependence on allowable claims 1 and 7, are also patentable over a combination of the applied references.

For at least these reasons, claims 1-12 are patentable over a combination of Thompson and McMahon. Thus, withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) is respectfully requested.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 108426-00014.**

Respectfully submitted,



Tarik M. Nabi
Registration Number 55,478

Customer Number 004372
ARENT FOX LLP
1050 Connecticut Avenue, NW, Suite 400
Washington, DC 20036-5339
Telephone: 202-857-6000
Fax: 202-638-4810

TMN